

Keith Wilson, K.C.

From: The Line Editor [REDACTED] >
Sent: June 24, 2022 9:36 AM
To: Keith Wilson, Q.C.
Subject: Andrew Lawton: Freedom Convoy were negotiating just before Emergencies Act was declared

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Andrew Lawton: Freedom Convoy were negotiating just before Emergencies Act was declared

BOOK EXCERPT: Not only did police not call for the invocation of the Emergencies Act; talks between organizers and police were beginning to bear fruit just as the crackdown began.

Jun 24



The following is an excerpt from journalist Andrew Lawton's book, The Freedom Convoy, The Inside Story of Three Weeks that Shook the World, which will be published by Sutherland House on June 24. We here at The Line are re-publishing, with permission, what we feel is one of the most newsworthy chapters as it offers an inside look of what was going on behind the chaotic scenes between organizers of the trucker convoy and Ottawa municipal officials just before the federal government invoked the Emergencies Act. It has been lightly edited for clarity; primarily when events or individuals mentioned in the excerpt below had been previously introduced in an earlier chapter.

CHAPTER 11

THE TALKS

Since before the convoy arrived in Ottawa, organizers prided themselves on keeping open lines of communication with law enforcement. A trove of text messages, email records, and phone logs show how frequent the contact became. Convoy organizers had two primary liaisons, one with the Ottawa Police Service and another with the Ontario Provincial Police. The written interactions I've seen between organizers and their liaisons were always cordial, although it's clear through my conversations with organizers that they

never quite trusted the police. Organizer Chris Barber spoke with officers throughout the journey to Ottawa.

Chris Garrah, who had set up Adopt-a-Trucker, did most of the pre-arrival talking with police about plans on the ground in Ottawa. Danny Bulford, a former RCMP officer, stepped in as the organizers' go-between on security matters. By January 30, Tom Marazzo, a former Canadian Armed Forces captain, was also in the mix. Marazzo had a daily call with the OPP liaison discussing whatever was happening, often revolving around emergency lanes and road closures — an area in which Marazzo took a particular interest as the parent of a child who had spent time in ambulances. Even with Marazzo's daily calls, Bulford continued to speak to police, as did organizer Tamara Lich. Later on, lawyers Keith Wilson and Eva Chipiuk started taking a more active role in the discussions, especially as the legal stakes heightened.

As a result, organizers who weren't always on the same page were having discussions with police from multiple agencies who weren't always on the same page. The top concern for police and the City of Ottawa was the presence of trucks on residential streets. The convoy [organizers] never intended to disrupt residential areas, but when downtown filled up or road closures blocked their access, many [individual drivers] just parked where they could outside the core. While the OPP, Royal Canadian Mounted Police, and parliamentary security were all involved, the Ottawa Police Service was the lead agency.

The longer the convoy ran, the more Ottawa's police chief, Peter Sloly, faced criticism. Members of the city's police services board took aim at him for not being more aggressive in efforts to expel the convoy. Early on, he conceded the convoy might need a political solution rather than a policing solution, which is precisely what organizers were seeking. Sloly later said the city needed more resources — namely 1,800 additional officers and staff, to manage the scene.

Convoy organizers were generally okay with Sloly's handling of their protest, given that it was under his leadership that they were able to take over downtown Ottawa. This also explains why those who wanted the convoy gone were less supportive of Sloly. Marazzo was worried Sloly might resign or get

fired, which he suspected would usher in a successor with a drastically different approach. His prediction would eventually come true.

“We wanted to take the pressure off of Peter Sloly,” Marazzo said. “We knew if we didn’t, the police were going to be forced to ratchet up what they were doing.”

To do this, Marazzo wanted to take the pressure off the city of Ottawa. One of the big sticking points for police and the city was the cluster of trucks blocking Rideau St. and Sussex Dr., a normally high traffic intersection just east of the Rideau Canal and a few blocks from Parliament Hill. The Rideau Centre shopping mall, which was closed for the entirety of the protest, sits on the northeast and southeast corners of the intersection. The intersection is also near the Chateau Laurier, the American embassy, and the Byward Market district.

The problem for both police and convoy organizers was that the truckers who camped out there were a stubborn set. Most of them had arrived on their own and not with any of the organized convoys. When police asked for the intersection to be cleared, Marazzo and Lich were open to it but had trouble getting buy-in from the truckers. Making things easier for Ottawa, as Marazzo wanted, was a tough sell when Ottawa’s mayor blasted the convoy as an “aggressive and hateful occupation of our neighbourhoods, which has nothing to do with the truckers’ quarrel against vaccine mandates.”

Marazzo was invited to a confidential meeting at city hall with Ottawa’s city manager, Steve Kanellakos, on February 8. He attended with lawyers Wilson and Chipiuk; four Ottawa police and Ontario Provincial Police liaisons were also present. Wilson, Chipiuk, and Marazzo were frisked by police on their way into the meetings and had their phones taken away. They didn’t object, but thought that the measure demonstrated the lack of trust in both directions. Wilson said he went in with an olive branch at the ready — a promise to accept a renewal of the horn honking injunction, which was about to expire.

During the meeting, Marazzo and Wilson said they would try to move trucks from residential areas downtown and clear the Rideau and Sussex intersection; police agreed to move their concrete barricades temporarily so that trucks could get onto Wellington St. The caveat, however, which Wilson

and Marazzo knew all too well, was that no one could force the truckers to do anything they didn't want to do.

"We don't control them," Wilson said. "We don't even know who they are. No one signed up. It's not a curling bonspiel, it's not a golf tournament. We can't say 'Oh no, sorry, this is your tee time sir. You can't tee off from here now.'"

No government — municipal, provincial, or federal — had officially recognized the convoy in any way before this meeting. It was kept quiet because no one wanted what they felt was progress to be derailed by media questioning why the city was legitimizing the convoy, or by convoy supporters questioning why their leaders were selling out. Wilson said they agreed that if anyone learned about the meeting, they would say it was only between convoy leaders and police — no city manager — with city hall chosen only because it was neutral turf. News of the meeting did not leak, which Wilson suspected increased the trust the city and police had for him and the convoy leaders.

Marazzo thought giving up Rideau and Sussex was tactically a bad move because if all the trucks were lined up on one street — Wellington — it would be easier for police to swoop in and remove them. But he also believed something had to give. Wilson and Lich hustled to get the truckers in the intersection on board. Some remained stubborn. Others thought it was a trap and that they and the convoy leaders were getting hoodwinked by police. Yet they somehow got the truckers to agree. Police prepared to bring in the front-end loader to clear the concrete barricades. The operation was set for the evening of February 10. Wilson and Lich were on site to work with the truckers and police.

Again, the convoy's grassroots momentum worked against them. The situation quickly devolved into chaos. A group of demonstrators thought the machine was there to haul away trucks, so they surrounded it. News of the stand-off spread on social media, especially the audio messaging app Zello, prompting an influx of protesters from Parliament Hill. Within half an hour, there were hundreds, if not more than a thousand, people surrounding police and the city's vehicles, singing "O Canada." Wilson advised police that the move just couldn't happen. The protesters cheered as the police left the area single-file. Rideau and Sussex remained blocked until the end of the convoy.

Around the same time that Marazzo was talking to Ottawa's city manager, another back channel was opening up. Dean French, the former chief of staff to Ontario Premier Doug Ford, was rapt by the convoy. As it went on and he saw increasing tensions between protesters and the City of Ottawa, he saw an opportunity to throw his political contacts and mediation experience into the mix to help reach a resolution. French viewed the convoy leaders as "proud, bighearted Canadians . . . standing up for a righteous cause." He also had a good relationship with Mayor Jim Watson going back to their time working together while French was running Ford's office. The call for French's help actually came from former Newfoundland premier Brian Peckford, who knows French through conservative circles. Peckford is the last living first minister from when the Charter of Rights and Freedoms was adopted in 1982.

Throughout the pandemic, [Peckford had] been an outspoken critic of governments' abuses of the Charter through mandates and lockdowns. Peckford, unvaccinated against COVID-19, was also suing the federal government over its vaccine mandate for air travel (he is represented by Wilson and the Justice Centre for Constitutional Freedoms). At Peckford's request, French called Watson to see if some form of talks were even on the table to deescalate the situation. French was worried about someone on little sleep — either a police officer or a trucker — slipping up in some way. The tenser things got, the higher the risk of some sort of explosion. He was banking on both sides getting that.

"Of course he was interested in coming to a resolution," French said of Watson. "Nothing was happening from their end of things in Ottawa."

After learning of Watson's openness, French reached out to Wilson to see if convoy organizers would be willing to sit down. Getting the organizers together was often like herding cats, but Wilson was able to get buy-in from Lich and the Freedom Corp board to at least hear French out. French believed the protesters had a right to be on Wellington St., but not in residential areas. He said he made that clear to both Watson and convoy leaders. French was not being paid by anyone: he thought he could help and was happy to do so. On February 11, he flew to Ottawa and rented the Renaissance meeting room on the twenty-fourth floor of the Westin. He felt a sense of urgency around his mission: it seemed to him that the runway for a municipal solution was getting

shorter. On February 10, news broke that Premier Ford was about to invoke a provincial state of emergency. It was mainly sparked by holdups at the Canada-U.S. border caused by blockades, but such a move by the province would challenge Ottawa's autonomy over the protests. Despite his connection to Ford, French was only negotiating at the municipal level.

During their meeting with French at the Westin, organizers admitted they never intended to be on residential streets, so it wasn't a stretch for them to agree to get the trucks — or at least try to get the trucks — off of them. French was aware of Marazzo's meeting at city hall a couple of days earlier, but knew nothing concrete had come of it, especially after the previous night's aborted attempt to clear Rideau and Sussex.

After the meeting, French took things back to Watson's office and returned a couple of hours later with a proposal for Wilson to bring to Lich and the board. After some back and forth, French, the City of Ottawa, and the convoy organizers agreed that Watson and Lich would put out public letters — first Watson, then Lich a little while later to cloak how choreographed it was. In his letter, published the afternoon of Sunday, February 13, Watson offered to meet with Lich to discuss the protesters' concerns, conditional on the removal of all trucks from residential streets and Coventry, and agreement to not deploy more trucks or protesters in these areas. The letter demanded "clear evidence" of the departure from residential areas by noon on Monday, February 14.

"I look forward to your protest movement meaningfully delivering on these steps as a show of goodwill towards our community," Watson wrote. "I hope we can make progress to alleviate the extreme and undue burden this protest, and the occupation of our residential districts in the core and elsewhere, have had on the residents and businesses of downtown Ottawa."

The letter was addressed to Lich as president of Freedom Convoy 2022. This inclusion was a win for [one of the convoy's lawyers] Wilson, as it was recognition of the convoy as an entity by a government. Lich's letter, published shortly after, affirmed the truckers "have always been about peaceful protest." She wrote: "We have made a plan to consolidate our protest efforts around Parliament Hill. We will be working hard over the next 24 hours

to get buy-in from the truckers. We hope to start repositioning our trucks on Monday.”

By the time the letters were published, the repositioning had actually already begun, with a plan to move forty to fifty trucks on February 12. The first priority was to load up Wellington St. Any trucks that couldn't fit there would go to one of the out-of-town encampments....

Lich distributed a “Freedom Manifest” signed by her and the road captains and Freedom Corp board members. In the document, they suggested consolidation was the best way to ensure the convoy's continued presence in Ottawa.

“We need to reposition our trucks so we don't give the Prime Minister the excuse he desperately wants to use force and seize our trucks,” the letter said. Originally, the city wanted the entire relocation done within twenty-four hours, Wilson said, but convoy organizers insisted that it would take at least seventy-two hours.

French and Wilson saw the first day of the relocation as a success. There were some hurdles with police not wanting to let trucks through because they hadn't heard about the deal, but things got sorted out without issue. The City of Ottawa seemed pleased as well. On Sunday, day two, road captains had arranged for dozens more trucks to move, but police blocked them. Unlike the day before, they refused to budge. They said it was only a twenty-four-hour deal, and that was that. A group of police went over to the Swiss Hotel, where Wilson said he “read the Riot Act” to them. After taking a phone call, presumably from a superior, one of the officers apologized and admitted to Wilson they got it wrong and would help with the relocations for the rest of the day.

Things chugged along nicely for a few hours until the letters came out. City News ran a story that Watson and convoy organizers struck a deal. Convoy spokesperson Benjamin Dichter tweeted a link to the video report calling it fake news. “No deal has been struck, the federal government has not yet lifted its mandates and passports,” he wrote. “Do not watch #Fakenews, it's bad for your mental health. This is completely false.” Lich retweeted Dichter's post at 8:27 p.m. (nearly five hours after Watson published his letter), adding “The

media lies to their viewers. No ‘deal’ has been made. End the mandates, end the passports. That is why we are here.”

Wilson was annoyed by this amateurish, self-induced communications crisis. Part of the problem was the rapid speed at which everything was happening. Also, because of the confidential nature of the back-channel discussions, the plan wasn’t known to the larger group of organizers. Dichter wasn’t being specifically excluded, but because he was tending to a broken ankle, he was stuck at his own hotel and not in on meetings he might have joined were he more ambulatory. Wilson didn’t know why Dichter, who often called in to meetings, wasn’t in the loop on the deal with the City of Ottawa. Dichter told me he was also given blatantly wrong information, including that no talks had taken place when, in fact, the message was supposed to be that no one should admit that talks were taking place.

Lich tweeted a correction that evening, acknowledging that there was a deal. In an attempt at saving face over the mix-up, she said that her earlier dismissal of the story was referring to the fact that no deal had been struck with the federal government. Convoy leadership continued to maintain that the feds would have to budge on vaccine mandates and passports for them to even consider a meeting. The deal was widely covered by media and the convoy was on track to finish its relocation the next day.

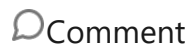
And then Justin Trudeau invoked the Emergencies Act.

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